

DEC - 4 2008

# United States District Court Southern District of West Virginia

TERESA L. DEFFNER, CLERK

U.S. District Court

Southern District of West Virginia

F. Rochester, NY 11578

Case No. 2:08-1395

Prose - Petitioner;

Writ of Mandamus by

- vs -

Admin. Proc. Act to tran-

H. M. Herlong, R. J. Carr, H. F.

ster Prose's Actions to a

Floyd, State of S.C., U.S. Gov.

Neutral Dist. &amp; Judges

E. H. 1000 Defendants.

§ 455 &amp; § 2106.

1. Prose moves to transfer his Actions to this District & neutral Judges by Rules § 455 & 2106 & For Declaratory Judgt. 65-DSC & 59-DSC Fed. Rules, & by serious Conflict exist here by 100 defts. threaten with death 9-11-05 / nov. 27, 05 / Jan. 27, 06 / 2-8-06, All Fed Judges here & Pres-ident Bush, the Clintons, John Roberts U.S. Sup. Ct. Judge 9th U.S. Attys., who refuse to leave off Prose's Writs & § 1983, § 1981 & tort Filed upon them & will not allow Prose access to any State or Fed. Courts, not access to news media, not lawyers, Family, Friends, Sheriffs, Solicitors, Etc., by having U.S. Marshals & U.S. Postal Serv. stopping, headsup, destroying Prose's legal mails without a Court order to do so & kept \$5,000.00 in Postages or more. See: U.S. v. Moody, 977 F. 2d 1425 (11th Cir. 1992) all 11th Cir. Judges recused & case transferred to Miami & Neutral Judges), See: N.E. C. Corp. v. U.S., 151 F. 3d 1361 (Fed. Cir. 1998) (Right to impartial decision maker by due process of 5th Amend)

2. Prose seeks for this Neutral Court in 4th Cir. Dist. to intervene into Prose's cases so he will not stay held in kidnapped status for defts., & Bush & U.S. Gov., who refuse to arrest or indict, but place notice 9-27-05 with SCDC & use SCDC as a search prison to silent Prose.



✓  
 About B. Clinton calling J. Roberts to get him Terrell R. Reagan to send 2-FBI agents from Colo, S.C. to Seneca, S.C. where Prose lives, to find & kill a Ark. woman who saw Clinton kill Ark. woman before he became president 1985, & let go Prose's Uncle Marshal Rochester down with Judge R. K. McMahon & 5 other Klan members out of 125 K. K. Klan men to shoot & kill President Kennedy 1963, Prose has tag number of 2-FBI agents & picture of shooter of Kennedy, & 125 Klan members, Bush & etc. went covered up, because Fed. Judges Traxler & Herlap & others in Greenville, S.C. were Klan members & businessmen were involved & Over Head Dept. was aware to.

3. Prose moves for hearing before this Court on his behalf by 11-Forged warrants, 2-Jurys planted, & 8 Jeopardy & 127 Constal. violations & said charges carried no sentence only a fine are within 81 & 83, had he did crimes & Ocmee deputies told 3 of Prose's wife. before Court to cover up their drug operation, & forging 1000's of warrants unchecked, because Prose's case affects over one million persons, & half of SCDC prisoners held on-forged warrants & Indictments.

4. Prose moves also to Reopen Whit-297-BF24-21AJ now 20-AJ & 2198-146-21AJ blocked by det's. Carr, Traxler, & Herlap for the Federal-trial Oct 15, 90 Atty. involved in planting 2 Jurys, they are protecting here from arrests & removal from bench by a conspiracy. There has never been a ruling, not hearing followed on 127 Constal. issues by the threaten Judges to stop their wrongs to.

Carr made 2-Whits out of Prose's one Whit to pull off their conspiracy acts & Traxler ruled he wasn't allowing that many issues raised & dismissed Whit 146 April 13, 98. And put a McFarlane review miss no. 255-Mc-131 on civil suits not Whits, but threaten Judges are applying it illegally to Whits to.



Stop Prose's release so he can't expose them to media's.

5. Prose notes see 9A.207-7342-HMH-RSC/2:08-3577-HMH/2:08-3488-HMH/2:08-3269-HMH/2:08-2950-HMH/2:08-3417-HMH/2:08-3140-HMH/see 1:07-536-NCT & 1:07-502-NCT-WWD/1:08-2438-WBH Atl. Ga. of Threaten Judges hearing Prose's Writs & 1983 They are clats. in. Proof of Conspiracy toward Prose & cover-ups of his issues & 41 murders & 69 beatings that disabled Prose has a (PDA) Prose & injured badly from them 6-14-06 to Oct. 29, 08, without medical care allowed. Nor will they allow Prose access to the "Class Action" against SCDC-05-CR-40-2925 in Richmond Judicial Court filed by Atty. Riley & Scarborough, & Judges & Gov. Sanford & Bush applying pressure. See, Atlantic Coast Line R. Co. v. Locomotive Engineers, 90 S.Ct. 1739 (1970) Fed. Ct. may intervene in state Ct. proceedings by injunction when justified, Lamb v. Principal, 284 F.3d 1378 (Fed. Cir. 2002) Petitioner has clear right to mandamus by §1651. a (1994) & grants all Cts. to issue all Writs Act & by injunction against Judges), Board of University Legal Foundation v. Bodey, 284 F.3d 1046 (9th Cir. 2002) Fed. Ct. has Jurisd. to entertain Declaratory Judgt.), Hill v. US, 825 S.Ct. 1468 (1962) We state, Kuhrer review is available to check viols. of Constal. rights when a complete miscarriage of Justice or denial of fair proceedings).

6. Prose prays Court will grant writ & waive costs & hear cases; Easterning v. American Opt. Corp., 529 S.E. 3d 588 (W. VA. 2000) Jurisd. issues, US v. Akinkoye, 485 F.3d 192 (4th Cir. 1999) 4th Amends. Warrant viols.)

Date Dec. 11, 2008,

Respectfully Submitted  
Jacqueline E. Rexelston, 171589  
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